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## INFLUENCE OF SUPERSTITION ON THE EVOLUTION OF PROPERTY RIGHTS

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The student of primitive religion must needs be a sociologist. Modern research into the culture of the lower races has shown us how close is the connection between the faith of the savage and his general social environment. It is an idle task to investigate the beginnings of law and morality, of politics and government, without due reference to the beliefs, call them superstitions, if you will, of primitive man. Little has been done, on the other hand, toward setting forth those no less intimate relations between early economics and early religion.

Let us take, by way of illustration, that very extensive group of superstitions included under the term "taboo." A taboo is a prohibition or interdiction, to which a supernatural sanction is attached. The word comes to us from the South Seas where the taboo system appears to have reached its most elaborate and grotesque development. Contemporary researches, however, are steadily disclosing the existence of very similar conceptions in many other regions of the savage world. And while the range of taboo is relatively restricted in the higher levels of culture, numerous "survivals" there attest its former sway and importance. Indeed an eminent French *savant* has recently defined religion itself as essentially a collection of taboos—as a set of divine ordinances without any very obvious meaning, which, from the beginning have fettered man in the free exercise of his faculties. We need not, perhaps, follow M. Reinach to quite this extreme in order to emphasize the influence of taboo ideas and taboo regulations on human conduct.

For the purpose of the present discussion it will be sufficient to inquire what in legal language is the "sanction" of these taboos. What is their compelling power? How do they operate? In somewhat advanced stages of culture the penalty for

the breaking of a taboo is commonly regarded as the vengeance of an outraged spirit or deity, who visits with sickness, disease, or death the guilty individual. Here the idea is chiefly or wholly of the animistic sort. But at an earlier period the notion has a magical content; the tabooed individual or object is possessed of a certain mystic awfulness or sanctity, is pervaded with a dangerous contaminating influence, is charged with a deadly electricity which may be automatically set free by physical contact. Hence arises the necessity of removing such dangerous persons or things to a safe distance or of subjecting them to a rigid quarantine. The entire community is interested in such proceedings; if the mystic contagion spreads all are liable to "catch it" and to suffer accordingly.

Ideas of this nature, either magical or animistic underlie the numerous taboos which pervade savage society. Here we are concerned only with those the effect of which is to strengthen the ties of property in a primitive community. I discuss the subject under its two natural divisions—the taboos that guard communal property, and those that confirm the rising conceptions of individual ownership.

It is commonplace to remark that among the lowest races most economic goods belong to the community as a whole. The individual has only a right of user which has not as yet passed into a recognized right of ownership. Thus hunting grounds and fishing streams are communally possessed. The same is often true of habitations, domestic utensils, and weapons. Frequently objects much employed for religious or magical purposes such as sacred stones, feathers, and beads, are looked upon as communal property. Conceptions such as these appear to have been reinforced by the existence of various taboos relating to the food-quest, the most important single subject in the primitive economy. The majority of them affect individuals alone, or the members of a totem group who may be restricted from killing and eating the tutelary animal of their clan.<sup>1</sup> But in addition

<sup>1</sup>For an examination of the economic aspect of some of these totemic food taboos see a suggestive article by A. E. Jenks, "Faith as a Factor in the Economic Life of the Amerind," *Amer. Anthropologist*, n. s. (1900), II, 676-89.

there are taboos resting on all the members of a savage community, the effect of which is to provide a closed season for the animals and plants thus banned. Such communal prohibitions are usually removed by solemn ceremonies of first-fruits. The ethnographical evidence for these taboos is extensive and some of it may be set forth in detail.

Among the Central Australians studied by Messrs. Spencer and Gillen the *Intichiuma* ceremonies hold a most important place. These are performances by men of the different totemic clans for the purpose of magically increasing the food supply. Each totemic unit, a kangaroo group or a witchetty grub group, is believed to have immediate control over the numbers of the animal or plant the name of which it bears. Each group, therefore, as established by this primitive division of labor, is bound to contribute to the general stock of food by working magic for the propagation of its totem. After the magical performances called *Intichiuma* are over the witchetty grub or the kangaroo is tabooed to the members of the totem concerned. On no account may it be eaten until it is abundant and fully grown. Any infringement of this rule is thought to nullify the result of the magic and so to reduce the available supply of food. When the plant or animal becomes plentiful the taboo is lifted by the local headman: the members of the totem group may now eat sparingly of their totem, while the members of other totems may eat it without restriction.<sup>2</sup>

Outside of Australia we meet similar taboos which secure a much-needed closed season for plant and animal life. In the Mekeo District of British New Guinea there is a special officer whose function it is to place an *afu* or taboo on areca nuts and cocoanuts when the supply on the trees is running short. The prohibition has been known to endure as long as thirty-two weeks.<sup>3</sup> Throughout the New Hebrides group "the cocoanuts are laid under a *tapu* till all the other crops are planted, or till some feast is celebrated; and death is the penalty of eating the

<sup>2</sup> Spencer and Gillen, *The Native Tribes of Central Australia* (London, 1897), pp. 202 ff.

<sup>3</sup> A. C. Haddon, *Head-Hunters* (London, 1901), pp. 270 ff.

forbidden fruit.”<sup>4</sup> In the Marquesas Islands when devil fish were getting scarce on the reef or when the cocoa-palms were being impoverished by the plucking of the green nuts, it was the chief’s business to set a *tapu* on these articles of food until exhausted nature had been given a chance to revive and once more replenish the earth.<sup>5</sup>

Among the tribes of Assam, on the northeastern border of India, an elaborate *genna* or taboo system has been recently described. Here we find a series of communal ordinances observed by the inhabitants of each village. Those which are of regular occurrence for the most part are connected with the crops. Before the seed is sown, the entire village is tabooed. The gates are closed; no one may come in or go out during a period which may last as long as ten days. From the conclusion of this initial *genna* to the commencement of the *genna* which ushers in the harvest time, all trade, all fishing and hunting, all cutting grass and felling trees is forbidden. “These taboos,” writes Mr. Hodson, “are not intended, perhaps, to afford of set purpose a much-needed close time to the game, but they have that effect.”<sup>6</sup>

Africa, likewise yields confirmatory evidence. Thus the Ashanti first-fruits festival which continues a fortnight, comes in September when the new yams are ripe. People must not eat them before the conclusion of the ceremonies by which the taboo is raised. It has been observed that those “yam customs” have a double significance: they are a thanksgiving to the gods for having protected the crops and they are also a means of preventing any interference with the yams until the latter are quite ripe.<sup>7</sup>

From the New World many examples might be quoted to illustrate the use of communal prohibitions to preserve communal property. The Hopi of Arizona, who greatly prize eagle-feathers as decorations in their religious rites, regard these birds together with their nests as the common property of the clans. They

<sup>4</sup> Inglis, in *Journ. Ethnol. Soc.* (1854), III, 62.

<sup>5</sup> R. L. Stevenson, *In the South Seas*, Part I, chap. vi.

<sup>6</sup> *Journ. Anthropol. Inst.* (1906), XXXVI, 94.

<sup>7</sup> Mary H. Kingsley, *West African Studies*<sup>2</sup>, pp. 147, 148.

think it wrong to take all the young from the nest at any one time. It is "evidently due to this taboo," says Dr. Fewkes, "that the perpetuation of the species in Tusayan is effected."<sup>8</sup> Among the Seri Indians the pelican is the bird held most in consequence, for it forms one of the chief articles in the native dietary. The principal haunt and only known breeding-place is an island in the Gulf of California. Now the pelican, a fleshy, sluggish creature is almost defenseless when attacked on its sleeping-grounds. If hunted indiscriminately the bird would be the easiest source of a food supply. "Yet it survives in literal thousands to patrol the waters of all Seriland in far-stretching files and veers seldom out of sight in suitable weather." Dr. McGee explains the phenomenon by referring to religious ceremonies and taboos among the Seri, the result of which is to protect the fowl during the breeding season.<sup>9</sup>

For our present purpose it is unnecessary to multiply illustrations. These communal taboos, whatever their origin, do have the practical result of preserving the animals and plants most important in the tribal economy. Through their operation, crops are allowed to mature, fruits to ripen, beasts of the forest and fish in the sea to increase and multiply. Prohibitions so eminently useful must have arisen very early in the social life of man. As such they place a restraint on individual selfishness for the benefit of the group as a whole. They have played a part, perhaps a noteworthy part, in deepening the sense of community obligation and in strengthening the concept of community property. Truly harvest-home and Thanksgiving have a remote but by no means dishonorable ancestry.

To turn now to the influence of superstition on private property. It is probable that we shall never be able even with the aid of the scientific imagination completely to retrace those early steps by which there arose the social recognition of an individual's right to own that which he had in actual possession.

<sup>8</sup> Fewkes, "Property-Right in Eagles among the Hopi," *Amer. Anthropologist*, n. s. (1900), II, 702.

<sup>9</sup> *Seventeenth Ann. Rep. Bur. Amer. Ethnol.* (Washington, 1898), Part I, 191.\*

The origins of property reach indeed back to prehuman times.<sup>10</sup> We may point out, first of all, that those objects which earliest became subject to private ownership such as weapons, tools, articles of ornament, and clothing, are commonly regarded by early man as integral parts of the owner's personality. They are *him* almost as much as his bodily members, his hair, his saliva, his footprints, all of which things the savage identifies with the individual and as such employs in many practices of sympathetic magic.<sup>11</sup>

Further proof of the more or less complete identification of personal property with the proprietor is seen in the fact that very frequently his right of ownership does not cease with death. His chattels are buried with him, or burned over his grave, or it may be simply abandoned and allowed to decay. Such customs often keep a primitive community sunk in constant poverty. Their commonest origin no doubt lies in the belief that the dead man in his other life has need of his earthly goods. Hence springs the funeral sacrifice, perhaps the most widespread religious rite that man has ever practiced. But taboo ideas, also, have helped to establish the habit. To many a savage nothing is more dangerous than the contagion of death. He will take the most elaborate precautions to protect himself from it. Thus arise the widespread rules which prohibit the living from making use of any objects which once belonged to the dead. As has been lately remarked of the Kafirs, "in their belief a man's personality haunts his possessions."<sup>12</sup> The Amazulu are afraid to wear the clothing of a dead man.<sup>13</sup> Some South African tribes after a funeral burn the house occupied by the deceased, with its entire contents. Grain, utensils, arms, ornaments, charms, furniture, beds, and bedding are polluted, the stain cannot be cleansed; they must all be cast into the fire.<sup>14</sup> Similar notions of uncleanness

<sup>10</sup> Cf. R. Petrucci, *Les origines naturelles de la propriété* (Bruxelles, 1905).

<sup>11</sup> Cf. Professor Veblen's suggestive article: "The Beginnings of Ownership," *Amer. Journ. Sociology* (1898), IV, 352-65.

<sup>12</sup> Dudley Kidd, *The Essential Kafir* (London, 1904), p. 83.

<sup>13</sup> Callaway, *Religious System of the Amazulu*, p. 13.

<sup>14</sup> Macdonald, in *Journ. Anthropol. Inst.* (1890), XIX, 276.

find constant expression among some North American tribes. Quinault Indians of Washington believe that the use of any clothing which once belonged to a living man "would be speedy death."<sup>15</sup> No Thompson Indian would with impunity take possession of the bow and arrows, the long leggings and moccasins of a departed tribesman, for death or sickness would certainly come upon him.<sup>16</sup> By the Point Barrow Eskimo "all the personal property of the deceased is supposed to become unclean and must be exposed with him."<sup>17</sup> Such beliefs as these, which modern ethnography has been making more and more manifest as a ruling conception in the lower culture, must have a not inconsiderable influence in developing the notion of the sacredness of private property.

But the range of taboo ideas and practices is far wider than has yet been indicated. Throughout the lower culture we have abundant evidence that the private property of the living is frequently protected by the imposition of taboos.<sup>18</sup>

The prohibitions include taboos of passage intended to preserve a tract of territory from intrusion, taboos of landed property together with the crops and fruits upon it, and even taboos of personal chattels and animals. They may be imposed directly by the immediate owner or else the chief or tribal medicine-man is called in to establish them. They are usually indicated by some simple charm which is readily understood by the passer-by. They operate commonly by magical processes; sooner or later the threatened evil descends, the curse falls on the head of the hapless offender; he and his suffer sharp and well-merited punishment.

Among the Australian aborigines magical devices for the

<sup>15</sup> Willoughby in *Ann. Rep. Smithsonian Institution* for 1886, Part I, p. 277.

<sup>16</sup> Teit in *Memoirs Amer. Museum Natural History*, II, 331.

<sup>17</sup> Murdoch in *Ninth Ann. Rep. Bur. Ethnol.*, p. 425.

<sup>18</sup> Some of this evidence has lately been summarized by Professor Westermarck in his monumental treatise *The Origin and Development of the Moral Ideas* (London, 1908), II, 59-69. And Dr. Frazer has recently made an interesting contribution to the subject (*Psyche's Task* [London, 1909] pp. 17-30). The reader is referred to these works for many additional illustrations of this general theme.



protection of property have not been as yet reported. We find them, however, in adjoining regions. Among the Eastern Islanders of Torres Straits a reddish powder called *kamer*, found in rotten driftwood, had great potency in magic. It was especially effective in deterring people from robbing gardens. Little theft occurred on the lands of those who knew how to prepare *kamer*. "When bananas or other food-stuffs were ripe, the man was supposed to secretly prepare *kamer* and to doctor the food. As the thief was not certain which tree had been poisoned he was afraid to risk it and so left the food alone."<sup>19</sup>

Among many of the Melanesian Islands these taboos flourish exceedingly and the rights of private property appear accordingly to be well fortified. Thus in the Solomon group an observer tells us that every one of the myriad islets has its recognized owner. Not only are cocoanut groves and *taro* patches protected by taboos, but even hunting privileges over another man's land will be similarly safeguarded.<sup>20</sup> At New Georgia the preventive against all trespass and robbing is the erection of *hopes*. These property marks are fashioned in accordance with well-known principles of sympathetic magic. At the entrance to his cocoanut plantation the owner will set up a single stick, three or four feet in length, with its top cleft for a short distance. In the opening are placed a bunch of dead leaves, a piece of fern root, and a wisp of grass. Sometimes the whole will be crowned with a skull, the piece of an ant's nest, or a large shell. The intending thief, gazing on this complicated structure has an awesome picture of the fate in store for him: according to the emblem of sanctity exhibited will he wither away like the grass, become as hopelessly moribund as the original owner of that skull or perish like the ants which once lived in the nest or the fish which once dwelt in the shell.<sup>21</sup> At Rubiana, another of the Solomon Islands, a practice of compounding has arisen and what was once a blood-feud has passed into the milder form of the blood-price.

<sup>19</sup> Haddon in *Reports of the Cambridge Anthropological Expedition to Torres Straits* (Cambridge, 1908), VI, 226.

<sup>20</sup> Somerville in *Journ. Anthropol. Inst.* (1897), XXVI, 404 f.

<sup>21</sup> Somerville, *ibid.*, p. 387.

Thus, while any owner of a cocoanut grove can raise a *hope*, its effects may be frustrated by paying twenty shell rings, no more and no less, to the proprietor. We are told of a certain native with decidedly capitalistic tendencies who once took advantage of the owner's absence to enter a cocoanut grove and with the aid of his numerous wives to rob it of several thousand nuts. All he paid the proprietor was the twenty rings which did not begin to cover the cost of the depredation.<sup>22</sup> In Florida, in the old days before christianization, chiefs "used to hide their money and valuable property and *tambu* the place; now, when the fear of the *tambu* is gone, the young people search for these hoards and take what they find."<sup>23</sup> In the Banks' Islands, another division of Melanesia, in addition to the solemn *tapu* there is a minor prohibition called *solo*i which appears to contain no direct reference to a supernatural sanction. A person of importance who had power through association with the spirits would "separate from common use, a path, trees, part of the sea-beach, a canoe, a fishing-net, and no one would be surprised if sickness fell at once upon anyone who should break the *tapu*. A person of no particular distinction would set his *solo*i before the trees or garden, the fruit of which he wished to preserve for some feast, and intruders would know at any rate that he carried his bow and arrows."<sup>24</sup>

Throughout the Polynesian area where aboriginal society appears to have been involved in a perfect network of taboos, the system became a powerful means for strengthening the ties of private property. In New Zealand the *kumara* or sweet-potato patches were always protected by the signal of a taboo.<sup>25</sup> At Tahiti, where the custom was noticed seventy years ago, such a sign "is still respected, although the superstition on which its

<sup>22</sup> Somerville, *op. cit.*, p. 388.

<sup>23</sup> R. H. Codrington, *The Melanesians* (Oxford, 1891), p. 63.

<sup>24</sup> Some additional illustrations of the property taboo in Melanesia are given by Marillier, "Sur le caractère religieux du tabou Mélanésien," *Bibliothèque de l'école des hautes études, sciences religieuses* (Paris, 1896), VII, 68 ff.

<sup>25</sup> Wilkes, *Narrative of the United States Exploring Expedition* (Philadelphia, 1845), II, 384.

sanctity was founded has ceased to prevail.”<sup>26</sup> The natives of Rotuma, an island adjacent to Fiji, are, we are told, honest to a degree. If a man picks a cocoanut off another man’s land, he will always tell the owner of it. For there is a superstition that if a person eats or touches the food of another, the latter if he knows of the act, can by magic cause the food to kill the offender.<sup>27</sup>

The tribes of the Malay Archipelago present us with analogous customs. On the island of Timor, according to Alfred Russel Wallace, *pomali* is very general. It places under its mystical protection fruit-trees, houses, crops, and property of all kinds. A few palm-leaves “stuck outside a garden as a sign of the *pomali* will preserve its produce from thieves as effectually as the threatening notice of man-traps, spring-guns, or a savage dog would do with us.”<sup>28</sup> When one of the Kubus, a small tribe of central Sumatra, on passing through the forest, is lucky enough to find a bee-infested tree, he clears away the brush around it, makes one or two hacks on the bark, and recites a spell. Henceforth the tree is his. No one will dispute possession with him.<sup>29</sup>

A system of property taboos not unlike that just described prevails in Madagascar<sup>30</sup> and in various parts of continental Africa. Thus the Balonda of South Africa who kept their beehives on high trees in the forest, protected them by fastening a charm or “piece of medicine” round the tree-trunks. “The natives,” says Livingstone, “seldom rob each other, for all believe that certain medicines can inflict disease and death; and though they consider that these are only known to a few, they act on the principle that it is best to let them all alone. The gloom of these forests strengthens the superstitious feelings of the people.”<sup>31</sup> The

<sup>26</sup> *Ibid.*, II, 33.

<sup>27</sup> Gardiner in *Journ. Anthropol. Inst.* (1898), XXVII, 409.

<sup>28</sup> *The Malay Archipelago* (London, 1869), I, 306. Cf. II, 450.

<sup>29</sup> Forbes in *Journ. Anthropol. Inst.* (1885), XIV, 125.

<sup>30</sup> Van Gennep, “Tabou et totémisme à Madagascar,” *Bibliothèque de l’école des hautes études, sciences religieuses* (Paris, 1904), XVII, 183–93.

<sup>31</sup> *Missionary Travels and Researches in South Africa* (New York, 1870), p. 307.

Barotse depend on the magical efficacy of their spittle as a charm. Spittle, as comparative folk-lore has abundantly shown, is very generally regarded as retaining a real part of the spitter's personality. What more natural then, that when the natives "do not want a thing touched they spit on straws and stick them all about the object."<sup>32</sup> Kavirondo peoples suspend a ball of clay by a string which is fastened to a stick, and set up one of these in a field of sweet potatoes to prevent thieving.<sup>33</sup> In the Gabun country (Kongo-Française) a fetish is hung on the plantation fence to frighten away marauders.<sup>34</sup> As Miss Kingsley in her heightened but picturesque way remarks: "Your human policeman can be evaded or outrun if you steal a few potatoes from a field, but the spirit policeman cannot be so circumvented when he hangs done up in a bit of rag or put inside a little horn, on guard over an African farm. He will most certainly have you, and you will swell up and 'bust.'"<sup>35</sup> The efficacy of such prohibitions will be better understood when we consider that the plantations of a Ba-Akele or Fan town are not fenced-in back-gardens, but open clearings a mile or more from any settlement. For weeks at a time no one of their owners is near them by day; there is nothing to guard them against human robbers but the ban.<sup>36</sup> Similar superstitions serve to foster the "silent trade" as found among these West African peoples. You may be in the depths of the forest far from human haunts; you notice by the pathside a little cleared space neatly laid with plantain leaves; on it are various objects disposed for sale—leaf tobacco, a few yams, and so forth. Beside each article are so many stones, beans, or cowries, to indicate its price. Hanging from a branch above is an image of the market god "who will visit with death any theft from that shop, or any cheating in price given, or any taking away of sums left by previous customers."<sup>37</sup>

<sup>32</sup> Lionel Decle, *Three Years in Savage Africa* (London, 1900), p. 77.

<sup>33</sup> Hobley in *Journ. Anthropol. Inst.* (1903), XXXIII, 343.

<sup>34</sup> R. H. Nassau, *Fetichism in West Africa* (London, 1904), p. 85.

<sup>35</sup> *West African Studies*<sup>2</sup>, p. 397.

<sup>36</sup> *Ibid.*, p. 408.

<sup>37</sup> *Ibid.*

Similar evidence for this widespread superstition is found in the New World. Thus an old writer tells us that the Caribs inclosed their plots of land "onely with a little cotton line and they account it a matter of sacriledge if any passe over the corde and treade on the possession of his neighbour, and holde it for certayne that whoso violateth this sacred thing shall shortly perish."<sup>38</sup>

From this rapid survey of a very little of the evidence it appears that in primitive society the aid of religion or magic is often called in to buttress a system, previously existing, of individual ownership. To the operation of such widespread practices we may confidently assign some influence in developing a sense of the sacredness of private property. Superstition, as well as reasoned custom and organic law, has helped to sustain the unstable foundations of property-rights among mankind. It has done this, to quote the eloquent words of Professor Frazer, "by furnishing the ignorant, the weak, and the foolish with a motive, bad though it be, for good conduct. It is a reed, a broken reed, which has yet supported the steps of many a poor erring brother, who but for it might have stumbled and fallen."

<sup>38</sup> *Hakluyt, Historie of the West Indies*, Decade VIII, chap. vi; cited by Jevons, *Introduction to the History of Religion*<sup>2</sup>, p. 72.